

WILMER CUTLER PICKERING  
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August 18, 2005

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Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: *Ex Parte* Notice in IB Docket 02-364; ET Docket 00-258; WT Docket 03-66;  
and File Nos. SAT-MOD-20050301-00054; SES-MOD-20050301-00261**

Dear Ms. Dortch:

On August 17, 2005, the undersigned, Counsel to Globalstar LLC, and William F. Adler, Globalstar's Vice President-Legal & Regulatory Affairs met with Federal Communications Commission staff from the International Bureau, the Wireless Technology Bureau, and the Office of Engineering and Technology. The purpose of this meeting was to discuss Globalstar's pending application for ancillary terrestrial component (ATC) authority and Globalstar's pending petition for reconsideration and comments filed in the dockets listed above. The handouts used during this meeting are attached.

Pursuant to Sections 1.49(f) and 1.1206(b) of the Commission's rules, a copy of this letter has been filed electronically.

Respectfully Submitted,



Josh L. Roland  
Counsel to Globalstar LLC

Cc: Howard Griboff  
Jennifer Gorny  
Frank Peace, Jr.  
Ron Chase  
George Sharp

John Schauble  
Stephen Zak  
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# Globalstar ATC

August 17, 2005



# Globalstar ATC

- Globalstar needs an ATC authorization
  - Provides opportunity to expand business
  - Addresses inherent limitations of satellite coverage and connectivity
  - Will provide significant public safety, homeland security and consumer benefits
  - Viewed by investment community as essential augmentation of service
  - Globalstar is the only MSS operator that is poised to offer ATC service upon grant of its ATC applications



# Globalstar ATC

- Globalstar filed applications for ATC authority on March 1, 2005
- The Applications fully comply with all of the FCC's ATC rules, and are not contingent on any waivers
- Upon grant of the Applications, Globalstar will be in a position to deploy ATC services
  - QUALCOMM has started its ATC phone design program
  - Exact deployment schedule depends on availability of funding
- Upon favorable FCC action, Globalstar will likely be the first MSS provider to deploy ATC and to realize the economic and public interest benefits envisioned for MSS/ATC service



# Globalstar ATC

- Only three parties (NTIA, SBE and WCA) filed comments on the ATC Applications
- No party opposes the Applications on the merits
- SBE and WCA wish to hold Globalstar's ATC hostage because they are disappointed with certain of the Commission's decisions in an unrelated proceeding regarding S-Band sharing
  - Globalstar's ATC Applications comply with the S-Band rules as they exist today
  - It is fundamentally unfair to hold Globalstar's ATC Applications in abeyance based on the possibility that the Commission might reconsider its decisions in an *entirely separate* proceeding
  - Globalstar accepts the Commission's decision to require sharing in the S-Band and has only requested modest adjustments to the sharing plan



# Globalstar ATC

- First: there is no legal or public policy basis to delay action on the Applications
  - Globalstar has certified in its ATC Applications that it will:
    - (1) comply with all FCC rules regarding ATC operations (including any future rules the FCC might adopt on reconsideration);
    - (2) ensure that ATC base stations do not cause harmful interference to services sharing the 2450-2500 MHz band through frequency coordination; and
    - (3) perform any necessary frequency coordination prior to initiating service



# Globalstar ATC

- Second: Delaying action on Globalstar's ATC Applications because of WCA/SBE's concerns is entirely inconsistent with Commission precedent:
  - The Commission routinely grants applications for authority to provide service where certain technical and other rules are subject to reconsideration;
  - In the case of MSV, the Commission granted MSV's ATC application even though the ATC rules *themselves* were subject to reconsideration; and
  - WCA/SBE's concerns can easily (and more equitably) be addressed by granting Globalstar's ATC Applications conditioned on the outcome of the S-Band sharing proceeding



# Globalstar ATC

- Third: The Commission already considered WCA's and SBE's concerns and adopted rules to address any conflict between BAS, BRS, and ATC service
  - Contrary to WCA's insinuation, relocated BRS channel 1 does not even operate in the spectrum allocated to Globalstar's ATC
  - Any potential interference to BAS channel A10 would be limited and confined to a small geographic region
  - BAS licensees have alternative channels available - Globalstar does not
  - In the event of irresolvable conflict between a BAS channel A10 licensee and Globalstar ATC base stations, Globalstar would support the relocation of the affected BAS channel
    - See Globalstar LLC Consolidated Opposition to Petitions for Reconsideration, IB Docket Nos. 02-364 and 00-258 (filed October 27, 2004) at 15-16



# Globalstar ATC

- NTIA has requested very stringent new out-of-band emission limits in the 1559-1610 MHz Radionavigation Satellite Service (RNSS) band
  - The Commission specifically declined to adopt such stringent limits in the *ATC Rulemaking Order on Reconsideration*
  - “The record before us does not support the adoption [of] out-of-band levels more stringent than those required of GMPCS equipment. ... Furthermore, we disagree with certain of the assumptions made by NTIA in its analysis to support its position ....”
- Notwithstanding NTIA’s failure to justify the imposition of more stringent limits, Globalstar intends to incorporate state-of-the art filtering in its ATC terminals which will reduce out-of-band emissions below 1610 MHz
- Globalstar will work with NTIA to develop a mutually agreeable resolution of NTIA’s concerns



# Summary

- Globalstar has become a vibrant MSS business providing unique business and public safety voice and data communications worldwide
- The FCC must continue to foster a regulatory environment in the U.S. - and globally - to enhance MSS products and services
- ATC authorization is essential to accomplishing in a timely manner the dual mode service features that Globalstar's public safety, homeland security and consumer customers demand
- Globalstar has certified in its ATC Applications that it will comply with all Commission Rules – No more is required of an applicant for a license